

## HOUSE BILL NO. 487

INTRODUCED BY D. HAINES

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A LOTTERY-STYLE SYSTEM TO AWARD SUCCESSFUL PARTICIPANTS THE RIGHT TO PURCHASE A BIG GAME HUNTING LICENSE; REQUIRING THAT THE FISH, WILDLIFE, AND PARKS COMMISSION DETERMINE THE NUMBER, KIND, AND USE OF LICENSES AVAILABLE THROUGH THE LOTTERY, BASED ON GAME MANAGEMENT PRACTICES; REQUIRING THAT BIG GAME LOTTERY REVENUE BE USED TO IMPROVE AND MAINTAIN COUNTY ROADS USED FOR HUNTING, FISHING, AND RECREATION; CREATING AN ACCOUNT FOR DEPOSIT OF BIG GAME LOTTERY REVENUE AND DIRECTING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO EXPEND THE REVENUE TO REIMBURSE COUNTIES THAT PERFORM ROAD MAINTENANCE AND IMPROVEMENTS ON THE AFFECTED ROADS; PROVIDING THAT PARTICIPATION IN THE BIG GAME LOTTERY IS A LEGAL FORM OF GAMBLING; AND PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Big game lottery system for right to purchase certain hunting licenses.**

(1) The department shall establish a lottery-style system to allow qualified hunters who are successful in the big game lottery the opportunity to purchase a big game license. A resident or nonresident 18 years of age or older, upon payment to the department of \$5, may enter the big game lottery, which entitles that person to enter into a pool of other eligible persons from which lottery winners will be picked at random. A successful lottery winner will then be eligible to purchase a big game hunting license as provided in subsection (4).

(2) The big game lottery is not considered a license drawing, but only constitutes a chance to be eligible to purchase a specific big game license. Money paid to enter the big game lottery is not considered a hunting license fee or a drawing fee and must be accounted for separately from and not commingled with hunting license fees or drawing fees, as provided in [section 2]. Lottery revenue may be used only in the manner provided in [section 2]. Lottery participation fees are nonrefundable. The payment of a big game lottery participation fee confers no hunting rights or privileges. The right to purchase a big game

1 license through a successful lottery entry is not transferable.

2 (3) A person who is successful in the big game lottery is entitled to purchase a big game license  
3 pursuant to subsection (4). The successful participant shall pay the actual cost of the license before the  
4 license may be issued. The license may then be used in the manner provided on the license and in  
5 accordance with regulations of the department. If the successful participant has already drawn a license  
6 for the same species as part of another drawing, the license eligibility acquired through the lottery may  
7 be used to purchase a similar license during the next license year. If the successful participant decides not  
8 to purchase the license offered, the department shall draw another name from the same pool and offer the  
9 chance to purchase the license to the next participant whose name is drawn until the license is sold.

10 (4) Based on big game management practices, the commission shall annually set aside a limited  
11 number and kind of resident and nonresident big game hunting licenses to be made available for purchase  
12 by successful lottery applicants. The commission may designate specific hunting districts and seasons  
13 when the licenses can be used, as appropriate for game management purposes.

14 (5) The department shall conduct the lottery and, if more practical than using actual names, may  
15 use a computerized numbering system for tracking lottery participants and selecting successful  
16 participants. The lottery system shall take into consideration the availability of resident and nonresident  
17 licenses and ensure that lottery participants are entered into the appropriate resident or nonresident pool  
18 for which the participant is eligible. The department may use up to 10% of big game lottery revenue for  
19 administering and conducting the lottery, including advertising. The department shall advertise and promote  
20 the big game lottery, making known to the public the number and kind of big game licenses available, the  
21 time when the lottery will be conducted, and the conditions for participation in the lottery. Following each  
22 lottery, the department shall publish the names of successful lottery participants.

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24 **NEW SECTION. Section 2. Big game lottery account -- authorized uses of lottery revenue.** (1)

25 There is a big game lottery account in the state special revenue fund into which all proceeds from the big  
26 game lottery established in [section 1] must be placed.

27 (2) Money deposited in the account is credited to the department, and funds in the account must  
28 be used in accordance with this section.

29 (3) Any interest earned on money in the big game lottery account must be added to the account  
30 and spent only for the big game lottery grant program.

(4) After deducting necessary administrative costs pursuant to [section 1(5)], revenue in the big game lottery account must be spent by the department for grants to county governments that apply for reimbursement for expenses incurred in maintaining and improving roads that are impacted by hunting, fishing, or recreation.

(5) A county government that experiences impacts to county roads that are directly attributable to hunting, fishing, or recreational use or that finds that county road maintenance or improvement will directly enhance wildlife habitat may apply annually to the department for road maintenance or improvement funds. The county shall provide documentation of potential wildlife habitat enhancement or any alleged impacts and show that hunting, fishing, or recreational use has caused the county to expend additional funds for maintenance or improvement of the road beyond normal road expenditures. The department shall consider each grant application and provide funds to eligible counties to the extent that funds are available in the big game lottery account. Grants may be made for full or partial reimbursement of county expenses. A county that receives road maintenance or improvement funds pursuant to this section shall provide an annual accounting to the department proving that the grant funds were used for the specified purposes. A county that uses big game lottery funds for any purposes other than those provided in this section is ineligible to receive subsequent grants from the big game lottery account.

**NEW SECTION.** **Section 3. Big game lottery.** Participation in the big game lottery established in [section 1], in which a participant pays a cash amount for the chance to purchase a big game hunting license, is an authorized gambling activity.

**NEW SECTION.** **Section 4. Codification instruction.** (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [sections 1 and 2].

(2) [Section 3] is intended to be codified as an integral part of Title 23, chapter 5, part 1, and the provisions of Title 23, chapter 5, part 1, apply to [section 3].

**NEW SECTION.** **Section 5. Effective date.** [This act] is effective March 1, 2002.

**NEW SECTION.** **Section 6. Termination.** [This act] terminates March 1, 2005.

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